IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.16983 of 1998

Dated: 26-03-2007

Between:

1. Muni Ayyakannan, s/o Muniyan and another.

... Petitioners

and

1. The Mandal Revenue Officer,
   Ongole,
   Prakasam District and another.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioners state that they are father and son respectively and first petitioner occupied a low level area along with other poor persons and raised a small hut by leveling the land and have been in possession and enjoyment of the same. They further state that on a representation made by first petitioner, initially D. Form patta was granted in favour of him and since then they have been paying house

tax to the Gram Panchayat.

In the month of August, 1992 first respondent assigned the land in an extent of Ac.0-02 ½ cents in S.No.351 in favour of first petitioner on a condition that first petitioner shall construct a house within one year from the date of assignment. Accordingly, after assignment another thatched house was built in the year 1997. They also state that while so,

first respondent visited petitioners' house and directed them to vacate the land assigned to them. As respondents, without issuing any notice,

are trying to evict petitioners from the land in question, they filed the present writ petition seeking a *mandamus* to direct respondents not to evict them from the land assigned to first petitioner situated in S.No.351 of Indira Colony, Koppolu village, Prakasam District.

3. This Court on 15-07-1998 while issuing *Rule nisi,*

in W.P.M.P.No.20226 of 1998 granted interim direction directing first respondent not to dispossess petitioners from the land assigned to them pending disposal of the writ petition.

4. Having heard learned counsel for petitioners and upon perusing the averments made in the affidavit filed in support of the writ petition,

this Court is of the view that the writ petition can be disposed of with a direction to respondents not to evict petitioners from the house in question, without following due process under law.

5. Accordingly, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.26-03-2007
GLV